

OGC HAS REVIEWED.

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25 July 1946

MEMORANDUM

TO: The Director

FROM: Office of General Counsel

SUBJECT: Foreign Service Act of 1946 - HR 6967 and
S. 2451

1. The Foreign Service Act of 1946 specifically rescinds all former statutes and regulations covering Foreign Service, and covers a complete reorganization in an attempt to modernize the Service, improve its administrative efficiency and overcome current criticisms in regard to personnel and its effectiveness in performing its mission. Some of the changes are important from the point of view of Intelligence Agencies who may expect to cooperate with and complement Foreign Service proper. Some of the pertinent provisions are listed below. (Bills were submitted simultaneously in the House and Senate, substantially the same in their provisions; both were reported out by their respective Foreign Affairs Committee to the Floor, and State Department officials are optimistic of passage this term.)

Two definitions given in the Act may be useful for future reference. "Principal officer" means the officer in charge of an embassy, legation, or other diplomatic mission or of a consulate general, consulate, or vice consulate of the United States. "Chief of mission" means an officer appointed by the President, by and with the advice and consent of the Senate, to an embassy, legation or other diplomatic mission and/or ministers resident, *chefs d'affaires*, commissioners and diplomatic agents.

Chief administrative officer of the Foreign Service will be the Director General, appointed by the Secretary. Among other duties, he is specifically directed to coordinate the activities of the Service

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with the needs of the Department and of other Government agencies.

Administrative policies and procedures will be recommended to the Secretary by the Board of Foreign Service, and provision is made for representatives of other Government agencies to sit on the Board when matters of special interest are under consideration.

Among the stated objectives of the Act which are given generally above, is one to provide for temporary appointment or assignment to the Foreign Service of representative and outstanding citizens of the United States possessing special skills and abilities.

Also, officers and employees of the Service are authorized to act for and on behalf of any other Government agency which requests such action through the Department.

The principal categories of personnel are chiefs of mission, Foreign Service officers proper, Foreign Service reserve officers, and Foreign Service staff officers and employees. Foreign Service Reserve officers shall be assigned to the Service on a temporary basis from Government agencies or appointed on a temporary basis from outside the Government. There will be six classes similar to the regular Foreign Service classes, the salaries ranging from \$3,100 in Class 6 to \$13,500 in Class 1. The salary of a Reserve officer will be paid out of State Department appropriations for the period of his service. Reserve officers must have been citizens for five years, and their qualifications will be passed on by the Director General and the Board of Foreign Service.

Assignments are for non-consecutive periods of not more than four years. Appointment or assignment will not be to a particular post, and Reserve officers may be transferred by the Secretary as the interest of the Service may require. The class to which he shall be appointed or assigned shall depend upon his qualifications and experience.

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The Secretary may recommend to the President

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or consulate officer, or both. Such commission is by and with the advice and consent of the Senate, and all official acts will be performed under the commission. In other cases, suitable rank and position will be given to permit Reserve officers to carry out their duties effectively. The Secretary will give regulations defining the active duty period of Reserve officers. Unless the Secretary provides otherwise, Reserve officers get all the allowances, privileges and benefits of Foreign Service officers as listed below.

The Reserve officer may not serve again as a Reserve officer until after a period of time equal to his previous tour has expired, or at the end of one year after expiration of his previous term, whichever is shorter. On termination of his reserve assignment, he will go back to the same or corresponding, or higher position at his proper agency, and shall get within-grade salary advancements he would ordinarily have been entitled to. (It may be useful to note that Army and Navy personnel may be detailed for duty as couriers of the Department, and the Department will give them the same traveling expenses as are authorized for the Service.)

As a counterpart to the Reserve system, regular Foreign Service personnel may be assigned for duty with any other Government agency for a period of not more than four years. After such a tour, he may not again be assigned outside the Department until a period equal to the tour has expired or until after two years, whichever is shorter. Also, officers or employees of the Service may be assigned for special instruction at non-profit institutions, (trade, labor, and scientific associations and commercial firms, or the Secretary may assign or detail them to temporary duty or in cooperation with the Government of another country, or with an international organization. Reserve officers will be promoted according to regulations described by the Secretary.

Provision is made in the Act for allowances and special allotments including quarters, cost of

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living and representational allowances. Reserve officers will be given leave in accordance with the rules for other officers of the Service, and, on return to his own agency, he may transfer as much of his accumulated leave as his regular agency would permit. Foreign Service Reserve officers may be required to furnish a bond for the faithful performance of duty, certifying vouchers, etc.

The Act authorizes the establishment of a Foreign Service Institute by the Secretary for training of the Service and other employees of the Government in the field of Foreign Relations. Personnel assigned to this Institute shall be considered as remaining in the position from which assigned. Unless clearly inconsistent with the Act, all departmental rules and regulations of or applicable to the Service, and Executive Orders shall remain in effect until revoked or rescinded or superseded in accordance with the terms of the Act.

LAWRENCE R. HOUTON

LRH/ml1

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